

Hamza Mahammed Jama SID#23052446
Easter Oregon Correctional Institution
2500 Westgate,
Pendleton, Oregon 97801

FILED 8 APR '24 10:59USDC-ORP

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PORTLAND DIVISION**

HAMZA MAHAMMED JAMA,
Plaintiff,

v.

KENNETH BALL, Chaplain; First Name
Unknown (FNU) H. ZULETA, Chaplain;
(FNU) K. DISALVO; DARYL BORELLO,
Administrator Religious Service; DAVID
PEDRO, Superintendent; (FNU) SOBOTTA,
Grievance Coordinator,

Defendant

Civil Case No: 3:23-cv-01699-MC

**PLAINTIFF'S
MOTION FOR SUPPLEMENTAL
COMPLAINT**

-Jury Trial Demanded-

MOTION FOR SUPPLEMENTAL COMPLAINT

Comes Now, Hamza Mahammed Jama, Plaintiff, and respectfully requests a Supplemental Complaint in this case based on the supplemental facts below, pursuant to Fed.R.Civ.15(d). Plaintiff request to add to additional defendants in this complaint, defendant First Name Unknown (FNU) K.Disalvo, (FNU) Zuleta, Daryl Borello, David and Pedro.

Plaintiff is Pro se, and is unable to confer with the other party pursuant to Local Rule 7-1(a)(2)(c).

PARTIES

1. Plaintiff is currently housed at Eastern Oregon Correctional Institution (EOCI) and requesting to add additional defendants.

2. Defendants First Name Unknown (FNU) K. Disalvo and (FNU) Zuleta who was employed as a Chaplains at EOCI during the event in this supplemental complaint. Defendant's duties as, a chaplain is defined as a "person employed by ODOC to facilitate and provide religious programming and services to inmates in DOC facilities".
3. Defendant, Daryl Borello, was employed as Administrator Religious Service at ODOC, Religious Service OSCI Residence 3, 3405 Deer Park Dr. SE Salem, OR, 97310 during the event in this complaint. Defendant's duties as Administrator of Religious Services is responsibility for administering religious programming and services for the Department of Corrections. Defendant is being sued in his individual and official capacity.
4. Defendant, David Pedro, was employed as Superintendent at EOCI during the event in this complaint. Defendant duty are under Functional Unit Manager: Any person within the Department of Correction who reports to the Director, an Assistant Director or an Administrator and has responsibility for the delivery of program services or coordination of program operations. In a correctional facility, the functional unit manager is the superintendent. Defendant is sued in his individual and official capacity.

INTRO

5. Defendants Disalvo, Zuleta, Borello, and Pedro, are being sued in their individual and official capacity, pursuant to 42 U.S.C. § 1983, against the herein named defendants in their official and individual capacities due to defendants depriving plaintiff of his federal constitutional rights under the First, Fourteenth Amendment, and the

Religious Land Use and Institutionalized Persons Act (RLUIPA). The plaintiff's proffered beliefs are sincerely held and his claims are rooted in plaintiff's strong religious beliefs. Defendant's infringements are not reasonably related to a legitimate penological interest. Plaintiff is seeking damages and injunctive relief, as described below.

6. Plaintiff is devout Muslim who observe daily prayer and other rituals required by his faith. This includes the Jumu'ah prayers, which are a congregational prayer that require men to pray together. Jumu'ah prayers occur on Friday afternoons and involve a ritual cleaning, and two prayers (rak'as), followed by Khutbah. A Khutbah is a sermon that is written an earlier time by a Muslim Imam. Neither Plaintiff is an Imam or writes the Khutbahs. The Jumu'ah prayer generally takes an hour to perform. Jumu'ah prayers occupy a place of extraordinary significance for Muslims. Jumu'ah is a weekly congregational prayer that is mandated by the Qur'an and is a religious obligation of all Muslim men which is commanded by Allah (swt) and stated in the two leading Islamic book the Qur'an and the Hadith. Defendants Failure to provide weekly Jumu'ah prayer and to provide an Imam, volunteer, or designees whose qualified to conduct the service violated plaintiff's First Amendment rights and created substantial burden under RLUIPA.

FACTS

DEFENDANTS DISALVO, ZULETA, AND BORELLO:

7. On Wednesday January 3, 2024, plaintiff spoke with Chaplain Disalvo in person. Plaintiff explained to Chaplain Disalvo that, "Mr. Disalvo, I want to talk to you about my hardship to practice my religious faith" Mr. Disalvo told plaintiff to have a sit in

his office and told plaintiff, "what can I help you with" Plaintiff told Mr. Disalvo that, "As you already know I am a Muslim observant inherent to Islamic teaching. I am commanded by Allah (swt) and obligated to attend weekly Jumu'ah prayer. I am well aware that there are two of you, you and Chaplain Mr. Zuleta in which you both are well capable to provide weekly Jumu'ah prayer." Mr. Disalvo told plaintiff, "I have nothing to do with the Muslims that is all up to Chaplain Zuleta and when he is not here Jumu'ah will be canceled." Plaintiff replied to Mr. Disalvo and told him that, "It's your responsibility to provide Jumu'ah Prayer even when Mr. Zuleta is not here." Mr. Disalvo provided the plaintiff a Memo From Chaplain Zuleta which states, "This memo is to remind you that Jumu'ah services for 12/29/23, 1/05/24, and 1/12/24 are cancelled due to the unavailability of the Chaplains on those dates. Providing we receive the reading for those dates ahead of time, we will send you a copy that you may read on your own during the Jumah prayer times." Not only plaintiff was shocked the fact that there are three consecutive cancelled Jumu'ah prayer in which a believing Muslim is prohibited to do and is a violation of plaintiff's free exercise of religion under the First Amendment rights and creates substantial burdens under RLUIPA. (EXHIBIT# 1, Memo from Zuleta), also see AIC Declaration (EXHIBIT# 2 Mohamed Tuffa Decl.).

8. Plaintiff told Mr. Disalvo that, "Is this really what am looking to have three consecutive Jumu'ah prayer cancelled. This is a clear violation under my First Amendment rights and RLUIPA." Mr. Disalvo replied to plaintiff and said, "To provide Jumu'ah that's under Chaplain Zuleta and you have to talk to him about that." Plaintiff respond to Mr. Disalvo and told him, "It doesn't matter whether he is here or

not as an EOIC chaplain it's your responsibility to provide the Jumu'ah prayer." Mr. Disalvo response remained, "Jumu'ah prayer is under the responsibility of Chaplain Zuleta." This has placed a substantial burden on my exercise of faith, and would be of minimal cost to ODOC to provide the weekly Jumu'ah prayer. Plaintiff asked Mr. Disalvo, "Mr. Disalvo can you please provide me the memo that was issued before this one." Mr. Disalvo provided me another memo sent by Chaplain Zuleta which also states, "You are receiving this letter to notify you that there will be no Jumah prayer service on the following dates: 11/17/23, 12/8/23, and 1/12/24. We will send you a printout of the days reading ahead of time." Plaintiff told Mr. Disalvo this is clear discrimination to provide other religious service and failed to provide weekly Jumu'ah prayer this is a violation under the First Amendment rights and creates substantial burden under RLUIPA." Mr. Disalvo said that plaintiff needs to communicate with Chaplain Zuleta. Plaintiff has already filed a Grievance complaint against defendants Disalvo, Zuleta, and the Administrator of Religious Services, in which plaintiff did not receive his grievance response even when it was accepted and a response was generated. and waiting for grievance to be process.

9. On January 6, 2024, the plaintiff sent a latter to the Department of Corrections Administrator of Religious Service, inquiring his concern of not having weekly Jumu'ah prayer. See (EXHIBIT# 3, Letter sent to Administrator of Religious Service, Dated January 6, 2024.
10. On 1/09/2024 plaintiff spoke with Defendant Disalvo and told him that I have missed three consecutive Jumu'ah prayer which is a major violation under the exercise of my religious rights and failure to provide the weekly Jumu'ah constitutes violation under

the First, Fourteenth Amendment rights and created substantial burden under RLUIPA. Defendant Disalvo response was, “Jumu’ah prayer is under the responsibility of Chaplain Zuleta.”.

11. On 1/12/2024, plaintiff went to Chapel where Jumu’ah prayer was being held.

Plaintiff observed the Chapel room where there was painted pictures of dogs and other similar animals to dogs. Plaintiff told Chaplain Disalvo that, “There are a lot of animal pictures that are prohibited to pray next to” Mr. Disalvo, “Told plaintiff there is nothing I can do about that.” Plaintiff replied to Disalvo, “Well this not only creates a hardship for the prayer not to be void but also to force me and the Muslim AIC’s to prayer is clear intentional to deceive me from exercising my religious faith which is clear violation under the First Amendment rights and RLUIPA.” Mr. Disalvo replied to plaintiff, “You have to talk to the Superintendent.” See

12. On Feb 2, 2024, plaintiff went to Chapel for Jumu’ah prayer service. Plaintiff spoke with Mr. Zuleta, in-person. Plaintiff inquired his concern of praying on Chapel Room (D3). Plaintiff was told by Zuleta, “Aha if you think Jumu’ah should not be conducted he don’t come.” Plaintiff replied to Zuleta, “You’re already aware that our big prayer rug is in D2, why not held Jumu’ah there.” Mr. Zuleta replied, “Jumu’ah is here for prayer if you don’t like it don’t come because I am not going to do prayer D2.” Plaintiff told Mr. Zuleta that, “So, it’s okey for you to violate my religious rights.” Mr. Zuleta said, “File grievance if you want but nothing is going to change, and the grievance will be denied.” Plaintiff filed and submitted a grievance against Chaplain Zuleta. On March 4, 2024, plaintiff receive his grievance back which was

denied as stated by Zuleta, See EXHIBIT# 4, Grievance# EOCI-2024-02-063, Dated 02/02/24.

13. On 02/20/2024, Plaintiff went to his call-out for Religious Library. While plaintiff was in his call-out plaintiff spoke to Chaplain Zuleta, in-person. Plaintiff explained his concerns of Jumu'ah prayer being conducted on Chapel room (D3). Plaintiff told Mr. Zuleta, "Mr. Zuleta, I am respectfully requesting when Jumu'ah prayer is being held on Friday that you cover the animal pictures." Mr. Zuleta, replied that, "I am not going to cover it, either pray like that or don't come on Friday and if you have a problem talk to the superintendent." Plaintiff replied, "Jumu'ah will not be accepted to pray such area like this and not only it creates hardship, its clear violation under the First Amendment rights and RLUIPA.": Mr. Zuleta response was, "I'm not talking to you." See EXHIBIT# 5, Grievance# EOCI-2024-02-038, Dated 02/20/2024.

14. Plaintiff grievance against Disalvo, Zuleta, and the Administrator of Religious Services, in which he filed on January 3, 2024 has not been return to him upon to day April 1, 2024 and creates his remedy for exhaustion unavailable.

DEFENDANT PEDRO:

15. On 1/09/2024, plaintiff sent a Kyte to EOCI Superintendent, Mr. Pedro inquiring his request to have weekly Jumu'ah prayer to be provided and a designated area that Jumu'ah prayer to be held under OAR# 291-143-0090 and were plaintiff also CC: Mr. K. Disalvo; Mr. H. Zuleta; CC: Administrator of Religious Service. See EXHIBIT# 6, Kyte sent to EOCI Supt, Mr. Pedro, Dated 01/09/2024.

16. On 1/12/2024, plaintiff sent Kyte to Mr. David Pedro, inquiring his concern the fact that Chapel room (D3) is not suitable for Jumu'ah prayer to be conducted and

requested that D2 to be provided for Jumu'ah prayer service. Plaintiff never received his Kyte back.

17. On Feb 4, 2024, plaintiff sent another Kyte to Mr. Pedro, again inquiring his concern of Chapel room and requesting that D2 be provided for the Jumu'ah prayer service.

18. On Feb 13, 2024, Plaintiff received a response from A. Neistadt, "Thank you for expressing your concerns. Regarding your concern for scheduled Jumu'ah prayer, please refer to grievance response EOCI-2024-01-022. Regarding your concern about animal images; the Chaplain will continue to cover the images as they have in the past during prayers." See EXHIBIT# 7, Kyte sent to Mr. David Pedro, Dated Feb 4, 2024. Plaintiff never received grievance receipt or response of Grievance# EOCI-2024-01-022 that he sent on 01/03/2024.

19. On that Same day plaintiff filed and submitted a grievance against Mr. David Pedro and Neistadt. See EXHIBIT# 7, Grievance# EOCI-2024-02-036.

20. On February 4, 2024, plaintiff also sent another Kyte to Mr. Pedro, notifying that fact that plaintiff's grievances are not getting back to him. See EXHIBIT# 8, Kyte sent to Mr. David Pedro, Dated Feb 4, 2024.

DEFENDANTS ZULETA, DISALVO, AND PEDRO

21. Defendants Zuleta, Disalvo, and Pedro creates hardship to allow Jumu'ah prayer to be held on D3, which clearly violated plaintiff's First Amendment rights and created substantial burden under RLUIPA. Plaintiff includes declaration of AIC's ("Mark E. Brown"); ("Mohamed Tuffa"), and ("Akena Okullu"), explaining their concerns of being forced to pray D3. See EXHIBIT# 9, ("Mark E. Brown") ("Mohamed Tuffa"), and ("Akena Okullu").

CLAIMS FOR RELIEF

1. Plaintiff brings claims under 42 U.S.C § 1983, for violations made by the above named-defendant, of plaintiff's U.S. constitutional First Amendment, RLUIPA, and the Fourteenth Amendment rights.
2. The Defendants Disalvo, Zuleta, Borello, Pedro, are all persons within the meaning of 42 U.S.C. § 1983.
3. Plaintiff seeks an award of economic damages, non-economic damages, declaratory and injunctive relief, and fees and litigation expenses/costs against defendant.

FIRST AMENDMENT & RELIGIOUS LAND USE AND INSTITUTIONALIZED PERSON ACT

(Unlawful restriction of free exercise of religion, and violation of the establishment clause - 42 U.S.C. § 1983 – Individual and Official Capacity; Violation of RLUIPA – 42 U.S.C. § 2000cc et seq. – Official Capacity)

4. Plaintiff's reincorporates paragraph above, and alleges:
5. Defendants Disalvo, Zuleta, Borello, and Pedro violated plaintiff's first amendment rights under the free exercise clause, because the defendant has violated plaintiffs sincerely held religious beliefs, causing a substantial burden.
6. Defendants Disalvo, Zuleta, Borello, and Pedro failure to accommodate Jumu'ah service caused a substantial burden to plaintiff's First amendment rights and RLUIPA.
7. Defendants Disalvo, Zuleta, and Borello's violated plaintiff's First Amendment rights and RLUIPA when he failed to comply with OAR 291-143-0070(4) by provide an Imam, Volunteer, and/or Designee to facilitate the Jumu'ah Service, or Defendants Disalvo and Zuleta themselves to facilitate, supervise, or oversee the Jumu'ah service. See OAR 291-143-0070(4) which States:

“Inmates shall not be permitted to direct, lead, or conduct other inmates in religious activities. If a chaplain or a qualified religious volunteer approved by the department is unavailable to direct, lead, or conduct an approved

religious activity requested by an inmate, an alternative means for the activity is not acquired, the inmate's request will be denied until such time as a qualified religious volunteer or alternative means of accommodation becomes available."

8. Defendants Disalvo, Zuleta, Borello, and Pedro violated plaintiff's First Amendment rights and RLUIPA when he failed to comply with OAR 291-143-0000(4) by provide clean place and place were there is not dog images to conduct the Jumu'ah prayer. See OAR 291-143-0090 which States: Religious Activity Areas

(1) Religious Activity Areas: The functional unit manager of each facility shall designate areas of sufficient size and quantity appropriate for the conduct of approved religious activities.

(2) Access to Religious Activity Areas: The use of religious activities areas within the facility will be scheduled by the chaplain or designee. In scheduling designated religious activities areas, the chaplain or designee will seek to accommodate religious beliefs including those that call for particular times and calendar or lunar dates.

9. Under RLUIPA, a government may not impose a substantial burden on the religious exercise of a confined person unless the government establishes that the burden furthers a "compelling governmental interest" and does so by "the least restrictive means." 42 U.S.C. § 2000cc-1(a)(1). The defendant's deprived the plaintiff's rights under RLUIPA, where Defendants Disalvo, Zuleta, Borello failed to provide Jumu'ah service and as an alternative choice to provide Khutbah which is meaningless without an Imam or volunteer/ designee presenting the Khutbah before the Jumu'ah prayer with the intent to deceive plaintiff from the Jumu'ah prayer that he is commanded by Allah (swt).
10. The defendants Disalvo, Zuleta, Borello, and Pedro failure to provide Weekly Jumu'ah created substantial burden on the plaintiff's religious practice and violates plaintiff's rights under Religious Land Use Institutionalize Person Act. (RLUIPA).

11. Defendants Disalvo, Zuleta, Borello, and Pedro violated the First amendment and RLUIPA rights held by plaintiff's which were clearly established, and no reasonable official similarly situated to the individual defendants could have believed that their conduct was lawful or within the bounds of reasonable discretion. Defendants therefore do not have qualified or statutory immunity from suit or liability.

FOURTEENTH AMENDMENT

(Unequal treatment – 42 U.S.C. § - Individual and Official Capacity)

12. Plaintiff incorporates the above, and alleges:
13. Plaintiff's fourteenth amendment rights to equal protection were violated by Defendants Disalvo and Zuleta, when the defendants provided volunteers to facilitate services to Christian, Catholics, and other religious service but failed to provide Imam, volunteer, or designee to facilitate the weekly Jumu'ah prayer.
14. Defendants Disalvo, Zuleta, Borello's Failure to accommodate weekly Jumu'ah prayer while accommodate Christians and Catholics constitutes violations of plaintiff's Fourteenth Amendment right and created substantial burden under RLUIPA.
15. Jumu'ah prayer has it's Christian equivalent as Sunday being a day of worship service or Saturday being the Sabbath day for Jews. The Jumu'ah prayer service is a ceremony that involves community worship and prayer and it's equivalent may be found in a Christian Chapel service involving community prayer and worship or services in a synagogue involving prayer and worship amongst the community of Jewish believers.
16. Defendants Disalvo, Zuleta, Borello's failure to provide weekly Jumu'ah prayer services occurs in the context of defendants making-the appropriate accommodations that allows for the weekly prayer and worship service of more than a dozen different Christian, and Catholics, sects to Accor without interruption.

17. Defendants Disalvo, Zuleta, Borello violated the First amendment and RLUIPA rights held by plaintiff's which were clearly established, and no reasonable official similarly situated to the individual defendants could have believed that their conduct was lawful or within the bounds of reasonable discretion. Defendants therefore do not have qualified or statutory immunity from suit or liability.
18. Furthermore, plaintiff alleges that these violations are continuing deprivation and requests judicial notice, FRE 201, of AIC's Johnte Ray LIEN, and Zafar Abdullah, fka William Peters-Esmario, pleading/Civil Complaint in the U.S District Court for the district of Oregon, LIEN v. PETERS, Case No: 3:19-cv-01630-CL.
19. By these actions, defendants is irreparable harming plaintiff. Plaintiff has no adequate remedy at law for defendant continuing unlawful conduct, and defendant will continue to violate plaintiff's legal rights unless enjoined and restrained by this Court.

PRAYER FOR RELIEF:

Wherefore: Plaintiff requests that the court grant the following relief:

- A. Plaintiff requests injunctive relief requiring defendants Disalvo and Zuleta to:
 1. The defendants Disalvo, Zuleta, Borello, and Pedro to immediately arrange for the plaintiff to be provided Weekly Jumu'ah prayer.
 2. Immediately arrange an Imam, volunteer, or designee to facilitate the Weekly Jumu'ah prayer.
 3. In the alternative to hire an Imam or another Chaplain.
 4. To Immediately arrange clean space area for Jumu'ah prayer to be conducted.
- B. Issue an injunction ordering: Defendants Disalvo and Zuleta to:

1. For the religious services departments to modify their rules for religious practice by providing An Imam, Volunteer, or Designee to oversee and facilitate the Jumu'ah prayer or allow Inmates to lead prayer without being supervise and punished with Misconduct reports.
 2. Restrain Defendants Disalvo, Zuleta, Borello, and Pedro from discriminating against Muslim AICs; and prevent the violation and burden of sincerely held religious beliefs.
- C. Award compensatory damage in the following amounts:
1. \$ 100,000 against defendants Disalvo, Borello, and Zuleta's failure to provide an Imam, volunteer, or designee to facilitate the Jumu'ah prayer while providing and accommodating the Christians, Catholics, and other religious service.
 2. \$50,000 against defendants Disalvo and Zuleta's failure to facilitate, oversee, and participate the Jumu'ah prayer which created substantial burden to plaintiff's free exercise of religion because it can lead to plaintiff receiving Misconduct Report.
 3. \$80,000 against defendants Disalvo, Zuleta, Borello, and Pedro failure to accommodate weekly Jumu'ah prayer while making sure that religious faiths such as Christians, Catholics, and other religious services are accommodated.
 4. \$100,000 against defendants Disalvo, Zuleta, Borello failure to accommodate Jumu'ah prayer while using as an alternative the Khutbah script with the intend to deceive plaintiff from the Jumu'ah prayer that he is commanded by Allah (swt).
- D. Award punitive damages in the following amount to deter unconstitutional action:
1. \$60,000 against defendants Disalvo and Zuleta.
 2. \$60,000 against defendants Borello and Pedro.
- E. Grant such other relief as it may appear that plaintiff is entitled.

Signed this 1st day of April, 2024.



(Signature of Plaintiff(s))

Name: Hamza Mahammed Jama
SID No. 23052446
Easter Oregon Correctional Institution
2500 Westgate,
Pendleton, Oregon 97801

Hamza Mohammed Jama SID#23052446
Easter Oregon Correctional Institution
2500 Westgate,
Pendleton, Oregon 97801

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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PORTLAND DIVISION**

HAMZA MAHAMMED JAMA,
Plaintiff,

v.

KENNETH BALL, Chaplain; First Name
Unknown (FNU) H. ZULETA, Chaplain;
(FNU) K. DISALVO; DARYL BORELLO,
Administrator Religious Service; DAVID
PEDRO, Superintendent;

Defendant(S)

Civil Case No: 3:23-cv-01699-MC

**PLAINTIFF'S
EXHIBIT LIST IN SUPPORT**

-Jury Trial Demanded-

EXHIBIT LIST

1. *EXHIBIT 1*, Memo from Zuleta,
2. *EXHIBIT 2*, Mohamed Tuffa Decl.
3. *EXHIBIT# 3*, Letter sent to Administrator of Religious Service, Dated January 6, 2024.
4. *EXHIBIT# 4*, Grievance# EOCI-2024-02-063, Dated 02/02/24.
5. *EXHIBIT# 5*, Grievance# EOCI-2024-02-038, Dated 02/20/2024.
6. *EXHIBIT# 6*, Kyte sent to EOCI Supt, Mr. Pedro, Dated 01/09/2024.
7. *EXHIBIT# 7*, Grievance# EOCI-2024-02-036.
8. *EXHIBIT# 8*, Kyte sent to Mr. David Pedro, Dated Feb 4, 2024.
9. *EXHIBIT# 9*, ("Mark E. Brown") ("Mohamed Tuffa"), and ("Akena Okullu").

ALL EXHIBITS ARE ATTACHED

Signed this 1st day of April, 2024.



(Signature of Plaintiff(s))

Name: Hamza Mahammed Jama
SID No. 23052446
Easter Oregon Correctional Institution
2500 Westgate,
Pendleton, Oregon 97801

NAME: **Jama, Hamza** SID: **23052446** BUNK: **DS-13**

FROM: **Religious Services**

This memo is to remind you that the Jumah services for 12/29/23, 1/05/24, and 1/12/24 are cancelled due to the unavailability of the Chaplains on those dates.

Providing we receive the reading for those dates ahead of time, we will send you a copy that you may read on your own during Jumah prayer times.

Thank you for your understanding.

Chaplain Zuleta

Ex #1

DECLARATION

(ORCP Rule 1E) (28 U.S.C. 1746)

JAMA V. KENNETH BALL, 3:23-CV-01699-MC

I, Mohammed Tuffa, do declare that:

When I arrived at EOCT they were not providing us with our Friday prayers every week like they were supposed to. I sent a Kyte to Chapirán Zuleta in December asking him if were going to have Friday prayers this month of December? He told me that they would only be able to do one Friday prayer or two. The next of January they only provided us with 3 Friday prayers but cancelled the Friday prayer on 1/12/24. Also cancelled the following dates 11/17/23, 12/8/23.

"I HEREBY DECLARE THAT THE ABOVE STATEMENT IS TRUE TO THE BEST OF MY KNOWLEDGE AND BELIEF, AND THAT I UNDERSTAND IT IS MADE FOR USE AS EVIDENCE IN COURT AND IS SUBJECT TO PENALTY FOR PERJURY."

Dated this 2 day of January, 20 24.


(Signature)

Print Name: Mohammed Tuffa
S.I.D. No. 21502120

Hamza M. Jama #23052446

Eastern Oregon Correctional Institution
2500 Westgate,

Pendleton, Oregon 97801

January 6, 2024

Oregon Department of Corrections
Administrator of Religious Service

SCI Residence 3

105 Deer Park Dr. SE,

Asheville, Oregon 97310

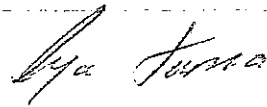
To Whom This May Concern:

My Name is Hamza Jama, SID # 23052446. I am currently incarcerated at EOCI. I am muslim who follows the two leading books of Islamic teaching which is the Quran and the Hadith. I am sending you this letter with the intent of good faith to resolve the bias and the intentional discriminatory that is set in place against me and my religious faith as a practicing muslim adherent to Islamic teaching. I am a devoted muslim who observe his daily Prayer and my other rituals required by my religion. This includes the Jumu'ah Prayer which are a congregational Prayer that requires men of faith to pray together. The Jumu'ah Prayer is commanded by Allah (swt). Jumu'ah Prayer occur on Fridays afternoon and involves a ritual cleaning and two rak'as (Prayers) followed by Khutbah. Khutbah script has to be written by an Imam and has to be presented before the Prayer by Imam, Volunteer, or designee who is qualified to do so and who is not an AIC. It's not a good faith for the department of Administrator of religious service to accommodate other religious faiths and conduct "Bias" and discriminatory action against my religion as a muslim observant which is also not a good conduct to the public interest. To accommodate other religious faiths such as the Christians, Catholics, and the Native American Indian and provide them materials, volunteers, space area to conduct their services while at the same time denying the muslims the accommodation is clear discrimination. However, here at EOCI there are two chaplains, Mr. Disalvo and Mr. Zuleta who are well capable to accommodate the weekly Jumu'ah Prayer, but instead they also failed to provide the Jumu'ah Prayer while they are accommodating other religious faiths and their services which not only

Constitutes Discriminatory and Bias that is set a place against the Muslims but also violation under the First Amendment rights (free exercise of Religion), Fourteenth Amendment (equal protection), and created substantial burden under RLUIPA. I respectfully request this to be taken to consideration and immediately to provide Jumu'ah Prayer weekly.

Dated 8th of January, 2024.

Respectfully Submitted BY:



Hamza M. Jama #23052446
Eastern Oregon Correctional Institution
2500 Westgate,
Portland, Oregon 97801



Oregon Department of Corrections (ODOC)
Eastern Oregon Correctional Institution
Grievance - Denied

To: Jama, Hamza
From: Cunha, S *SC*

SID #: 23052446
Date: 03/27/2024

Cell: EOCI:B207D

Re: Non-Medical# EOCI_2024_02_063

The grievance you submitted is being returned to you due to non-compliance with the Department of Corrections (DOC) Rule #109 (Grievance Review System) for the following reason(s):

2/6/24: DENIED- AIC has 4 active grievances.

An AIC cannot have more than four active complaints (grievances, discrimination complaints, or appeals of either) at any time.

A denied initial grievance or appeal cannot be appealed.

If you have any questions regarding your grievance, please refer to the Department of Corrections Administrative Rule "Grievance Review System" tab #109 located in the legal library or kyte your institution Grievance/Discrimination Complaint Coordinator.



Resubmit

Name: Tamg Hamza M 230521146 B2-7D
Last First Initial SID# Cell/Block/Bunk #

Ex #4



Official Use Only

Resubmit

GRIEVANCE FORM

Name: Jama Hamza M 23052446 B2-7D
Last First Initial SID# Cell/Block/Bunk #

Whom are you grieving: EORI Chaplain, H. Zuleta

Please provide the date/time of incident giving rise to grievance: 02/02/24 @ 1:55 PM

List in detail all the reasons for your grievance. (What is the problem? When did it happen – date/time/place?) Attach copies of any documents or any material(s), which support your grievance, including the names of any persons you think should be questioned.

I replied to Zuleta, "Clearly you know that our big Carpet is in D2." Mr. Zuleta told me, "Jumma is here for Prayer if you don't like it don't come because I am not going to do Prayer D2." I replied, "So it's okay for you to violate my religious rights." Mr. Zuleta said, "File grievance if you want but nothing is going to change," and the grievance will be denied." It's clear that Chaplain Zuleta violated my religious rights and this is unacceptable and must be addressed immediately.

Describe what action you want taken to resolve the grievance. (How can the problem be solved?)

Immediately discriminating my religion. I need this complaint to be on Mr. Zuleta file.

02/02/24
Date

[Signature]
Signature

Receiving Facility (If not processing facility)
Date Stamp

Received at Processing Facility
RECEIVED FEB 03 2024 EOCI GRIEVANCE OFFICE
Date Stamp

Accepted/Denied/RFC
Date Stamp

Accepted/Denied/RFC
DENIED FEB 03 2024 EOCI GRIEVANCE OFFICE
Date Stamp



Oregon Department of Corrections (ODOC)
Eastern Oregon Correctional Institution
Grievance - Denied

To: Jama, Hamza
From: Sobotta, N

SID #: 23052446
Date: 03/05/2024

Cell: EOCI:B207D

Re: Non-Medical# EOCI_2024_02_038

The grievance you submitted is being returned to you due to non-compliance with the Department of Corrections (DOC) Rule #109 (Grievance Review System) for the following reason(s):

2/21/24: Denied as this compliant would exceed the number of complaints allowed to be filed by rule.

An AIC cannot have more than four active complaints (grievances, discrimination complaints, or appeals of either) at any time.

An AIC may not file more than one accepted grievance or discrimination complaint regarding a single incident or issue, regardless of incident date, unless substantial new information is available about the incident or issue.

A denied initial grievance or appeal cannot be appealed.

If you have any questions regarding your grievance, please refer to the Department of Corrections Administrative Rule "Grievance Review System" tab #109 located in the legal library or kyte your institution Grievance/Discrimination Complaint Coordinator.



Official Use Only

Resubmit

GRIEVANCE FORM

Name: Jama Hamza M 23052446 B2-7D
 Last First Initial SID# Cell/Block/Bunk #

Whom are you grieving: EOCI Chaplain Zuleta

Please provide the date/time of incident giving rise to grievance: 2/20/24 @ 8:15 AM

List in detail all the reasons for your grievance. (What is the problem? When did it happen – date/time/place?) Attach copies of any documents or any material(s), which support your grievance, including the names of any persons you think should be questioned.

This grievance complaint is against Chaplain Zuleta failure to cover the
Animal Pictures in D3 Chapel room for his intentional to violate my First
Amendment rights and RLUIPA. It's important to read the entire grievance
complaint in order to understand why I am grieving Mr. Zuleta. The purpose of
this complaint is to notify or alert the department officials to a problem
and facilitate its resolution. Whether the department officials chooses
to deny or accept this complaint that's their choice and clearly I have
notified them. On the given date above, I spoke with Mr. Zuleta in-person.
I told Mr. Zuleta, "Mr. Zuleta, I am respectfully requesting when Jamaican
Prayer is being held on Friday that you cover the Animal Pictures." Mr. Zuleta
"replied that, "I am not going to cover it, either pray like that or don't come
on Friday and if you have a problem talk to the Superintendent". I replied

Describe what action you want taken to resolve the grievance. (How can the problem be solved?)

- 1) Free from retaliation, harassment, threats.
- 2) Immediately cover all the animal pictures in Chapel room (D3)
when Jamaican Prayer is being held.

2/20/24
 Date

[Signature]
 Signature

Receiving Facility (If not processing facility)
Date Stamp

Received at Processing Facility RECEIVED FEB 21 2024 EOCI GRIEVANCE OFFICE
Date Stamp

Accepted/Denied/RFC
Date Stamp

Accepted/Denied/RFC DENIED FEB 21 2024 EOCI GRIEVANCE OFFICE
Date Stamp



Official Use Only

Resubmit

GRIEVANCE FORM

Name: James Hamza M 230521146 B2-7D
Last First Initial SID# Cell/Block/Bunk #

Whom are you grieving: For Chaplain Zuleta

Please provide the date/time of incident giving rise to grievance: 2/10/24 @ 8:15 AM

List in detail all the reasons for your grievance. (What is the problem? When did it happen – date/time/place?) Attach copies of any documents or any material(s), which support your grievance, including the names of any persons you think should be questioned.

TO Mr. Zuleta that, "Jamaican will not be accepted to play such area like this and not only it creates hardship, it's clear violation under the First Amendment rights and RLUIPA." Mr. Zuleta response was, "I'm not talking to you". Mr. Zuleta failure to cover the animal pictures then tells me either come or don't come but am not going to cover them is clear violation under the First Amendment rights and

Describe what action you want taken to resolve the grievance. (How can the problem be solved?)

1) To hold Mr. Zuleta accountable for violating my constitutional rights and my religious rights.
2) To put this complaint on Zuleta's file

2/10/24
Date

[Signature]
Signature

Receiving Facility (If not processing facility)
Date Stamp

Received at Processing Facility
RECEIVED
FEB 21 2024
EOCI GRIEVANCE OFFICE Date Stamp

Accepted/Denied/RFC
Date Stamp

Accepted/Denied/RFC
DENIED
FEB 21 2024
EOCI GRIEVANCE OFFICE Date Stamp



OREGON DEPARTMENT OF CORRECTIONS

AIC COMMUNICATION FORM

CC: Mr. K. Disalvo; Mr. H. Zuleta; CC: Administrator of Religious Service

TO: EECT SOFT, Mr. Pedro

Date: 01/09/2024

State your issue in detail: Asalama Alaykum Mr. Pedro

I Hamza Jama, SID# 23052446, I am a muslim observant Inherent to Islamic teaching. I am obligated and Commanded by Allah (swt) to attend weekly Jum'ah Prayer. Jum'ah Prayer, which are a congregational Prayer that require men in faith to pray together. Jum'ah Prayer occurs on Friday afternoons and involves a ritual cleaning and two rak'as (Prayer) followed by Khutbah that has to be Presented Before the Prayer under OAR # 291-143-0076. Mr. Pedro EECT has Two Chaplains who are well Capable to provide the weekly Jum'ah Prayer, but Instead they have failed to Provide weekly Jum'ah Prayer which violated my free exercise of religion Under the First Amendment rights and Created Substantial burden Under RLUIPA. Mr. Pedro I am respectfully requesting weekly Jum'ah Prayer to be Provided and to also Provide designated area that Jum'ah Prayer to be conducted under OAR # 291-143-0090. I thank you in advance for your time and Service and I look forward to your reply. Once again thank you!

AIC Committed Name (first middle last)

SID#

Housing Unit

Jama, Hamza

23052446

A4-2b

Response/Action Taken:

Wa-Alaikum Salaam, Sadeq. I am aware the chaplains are spread thin between two facilities. I will reach out to them & see how we can provide services. Thank you for sharing your concerns. Fi aminillah.

Date Received:

Referred To*:

Date Answered:

01/16/2024

Signature of Staff Member:

*If forwarded, please notify the AIC


CD 214 (02/2020)

EX# 6

OREGON DEPARTMENT OF CORRECTIONS
AIC COMMUNICATION FORM

~~FROM~~ *To*

INSTITUTION: Eocx
AIC NAME: Jama, Hamza
SID #: 23052446
UNIT/BUNK: A4-26
ADDRESS: _____


~~TO~~

NAME: David Pedro
TITLE: Eocx Superintendent
ADDRESS: Eocx

(Fold Here)

RECEIVED
JAN 11 2024



Oregon Department of Corrections (ODOC)
Eastern Oregon Correctional Institution
Grievance - Denied

To: Jama, Hamza
From: Sobotta, M

SID #: 23052446
Date: 03/04/2024

Cell: EOCI:B207D

Re: Non-Medical# EOCI_2024_02_036

The grievance you submitted is being returned to you due to non-compliance with the Department of Corrections (DOC) Rule #109 (Grievance Review System) for the following reason(s):

2/21/24: Denied as the complaint is over the number allowed per rule. AIC already has 5 active complaints.

An AIC cannot have more than four active complaints (grievances, discrimination complaints, or appeals of either) at any time.

A denied initial grievance or appeal cannot be appealed.

Your grievance/appeal is not in compliance with OAR 291-109 and meets the criteria outlined in 291-109-0240 (Improper Use of Grievance Review System). Please ensure your grievances and/or appeals are submitted in accordance with the grievance rule. Continued improper use of the grievance system can result in administrative action. If you have any questions or concerns please contact the institution Grievance/Discrimination Complaint Coordinator or the legal library for further information.

If you have any questions regarding your grievance, please refer to the Department of Corrections Administrative Rule "Grievance Review System" tab #109 located in the legal library or kyte your institution Grievance/Discrimination Complaint Coordinator.



Official Use Only

Resubmit

GRIEVANCE FORM

Name: Tama Hamza M 23052446 B2-7D
Last First Initial SID# Cell/Block/Bunk #

Whom are you grieving: Mr. David Pedro and A. Neistadt

Please provide the date/time of incident giving rise to grievance: 2/13/2024

List in detail all the reasons for your grievance. (What is the problem? When did it happen – date/time/place?) Attach copies of any documents or any material(s), which support your grievance, including the names of any persons you think should be questioned.

This grievance complaint is against David Pedro and A. Neistadt for their
failure to provide a place to conduct the Jumrah Prayer Pursuant to
OAR # 291-143-0090 which states, "(1) Religious Activity Areas: The
functional unit manager of each facility shall designate areas of
sufficient size and quantity appropriate for the conduct of approved
religious activities." And the above grievor complains intentional to violate
my First Amendment Fourteenth Amendment rights, and creating substantial
burden under RLIPA. It's important to read the entire complaint in order
to understand why I am grieving Mr. Pedro and Neistadt. The purpose of
this complaint is to notify the department officials to a problem and facil-
itate its resolution. Whether the department officials choose to deny or accept
the complaint, clearly they have been notified. Jumrah Prayer Service

Describe what action you want taken to resolve the grievance. (How can the problem be solved?)

- 1) Free from Retaliation, harassment, threats.
- 2) Immediately provide Jumrah Prayer to be held D2.
- 3) Immediately provide a place Jumrah to be conducted that don't have

2/13/2024
Date

[Signature]
Signature

Receiving Facility (If not processing facility)
Date Stamp

Received at Processing Facility
RECEIVED FEB 21 2024 EOCI GRIEVANCE OFFICE
Date Stamp

Accepted/Denied/RFC
197 Date Stamp

Accepted/Denied/RFC
DENIED FEB 21 2024 EOCI GRIEVANCE OFFICE
Date Stamp



GRIEVANCE FORM

Name: Tonia Hamza M 72052446 B2-7D
Last First Initial SID# Cell/Block/Bunk #

Whom are you grieving: Mr. David Pedro and A. Weinstadt

Please provide the date/time of incident giving rise to grievance: 2/13/2024

List in detail all the reasons for your grievance. (What is the problem? When did it happen – date/time/place?) Attach copies of any documents or any material(s), which support your grievance, including the names of any persons you think should be questioned.

was moved from D1 to D3 (intentionally). However, Jumu'ah prayer is
very important and cannot be held in D3. D3 chapel has a pictures
of dogs and other animals similar to dogs (look a like) which creates
hardship to conduct the prayer there in D3. It also not only creates substantial
burden under RLUIPA, but also violates the free exercise of Religion
under the First Amendment rights. For Mr. Pedro and Weinstadt
to intentional force me to pray D3 chapel for Jumu'ah prayer
is a clear violation under the First, Fourteenth Amendment rights,
and RLUIPA.

Describe what action you want taken to resolve the grievance. (How can the problem be solved?)

Animals pictures. 4) Failure to provide D2 or other place that has no
pictures of animals will be clear violation under the First, Fourteenth Am-
endment right and RLUIPA.

2/13/2024
Date

[Signature]
Signature

Receiving Facility (If not processing facility)
Date Stamp

Received at Processing Facility
RECEIVED FEB 21 2024 EOCI GRIEVANCE OFFICE

Accepted/Denied/RFC
Date Stamp

Accepted/Denied/RFC
DENIED FEB 21 2024 EOCI GRIEVANCE OFFICE



OREGON DEPARTMENT OF CORRECTIONS

AIC COMMUNICATION FORM

Last Attempt.

TO: Mr. David Pedro Date: Feb 4, 2024

State your issue in detail: Asalama Alayem Mr. Pedro,

I will like to notify you that, I have filed grievances and I am not getting my grievances back from the Grievance Coordinator. The Purpose is Intentional, with the intend to deceive me from exercising my freedom of speech under the first Amendment right. I am respectfully requesting my grievance to be processed and to be provided a Receipt. I thank you in advance for your time and service and I look forward to your reply.

Thank You

AIC Committed Name (first middle last)

SID#

Housing Unit

Jama, Hamza

23052446

B2-7D

Response/Action Taken: Thank you for expressing your concerns. Regarding your concern for scheduled Jumah prayer, please refer to grievance response EOCI 2024-01-1022. Regarding your concern about animal images, the chaplains will continue to cover the images as they have in the past during prayer.

RECEIVED

Date Received: FEB 06 2024 Referred To*: A. Neistadt

Date Answered: 2/13/2024 Signature of Staff Member: Andrea Neistadt

If forwarded, please notify the AIC

CD 214 (02/2020)

EX #8

OREGON DEPARTMENT OF CORRECTIONS
AIC COMMUNICATION FORM

FROM

INSTITUTION: EOC
AIC NAME: Jama, Hamza
SID #: 23052446
UNIT/BUNK: B2-7D
ADDRESS: _____

TO

NAME: David Pedro,
TITLE: Superintendent
ADDRESS: EOC

(Fold Here)



AIC COMMUNICATION FORM

TO: Mr. David Pedro (Ecce Superintendent) Date: Feb. 4, 2024

State your issue in detail: Greeting Mr. David Pedro (Asalam Alaykum)

I am muslim who follows the two leading sources of Islamic teaching which are the Quran and the Hadith. I am commanded by Allah (swt) to attend Jumu'ah Prayer (Friday Prayer) every Friday. However, Chaplain Disalvo, and Zuleta failed to provide Jumu'ah every week and when Jumu'ah Prayer is provided they (Zuleta and Disalvo) intentionally held the Jumu'ah Prayer in D3 (Chapel) not D2. Jumu'ah Prayer was always conducted in D2 not D3. To conduct or hold Jumu'ah in D3 is a clear violation under first Amendment, Fourteenth Amendment rights and RLUIPA because it violates the purpose of the Prayer. Jumu'ah Prayer cannot be conducted in a place that has pictures of dogs or other animals look similar to dogs, and Bears. I am respectfully requesting Jumu'ah

AIC Committed Name (first middle last)

SID#

Housing Unit

Jama, Hamza

23052446

B2-7D

Response/Action Taken:

Date Received: RECEIVED

Referred To*:

Date Answered: FEB 06 2024

Signature of Staff Member:

If forwarded, please notify the AIC

CD 214 (02/2020)

EX # 8

OREGON DEPARTMENT OF CORRECTIONS
AIC COMMUNICATION FORM

FROM

INSTITUTION: ECC
AIC NAME: Jama Hamza
SID #: 23052446
UNIT/BUNK: B2-7D
ADDRESS: _____

TO

NAME: David Pedro
TITLE: Superintendent
ADDRESS: _____

(Fold Here)



Page 2 of 2

AIC COMMUNICATION FORM

TO: Mr. David Pedro (EORT Superintendent) Date: Feb 4, 2024

State your issue in detail: To be provided every week. 2) Jumu'ah Prayer to be conducted in D2 not D3 under "OAR" 291-143-0090. 3) Just because the former Muslim Chaplain, Derek Rasheed is no longer here doesn't mean the department can discriminate, Take away our big carpet, and violate my first, fourteenth Amendment rights and create substantial burden under RLUIPA.

AIC Committed Name (first middle last)

Jama, Hamza

SID#

23052446

Housing Unit

B2-7D

Response/Action Taken:

Please see the attached communication form.

RECEIVED

Date Received:

FEB 06 2024

Referred To*:

A. Neistadt

Date Answered:

2/13/24

Signature of Staff Member:

Andrea Neistadt

If forwarded, please notify the AIC

CD 214 (02/2020)

Ex # 8

OREGON DEPARTMENT OF CORRECTIONS

AIC COMMUNICATION FORM

INSTITUTION:

AIC NAME:

SID #:

UNIT/BUNK:

ADDRESS:

~~FROM~~ TO
Eoct
Tama, Hamza,
73652446
B2-7D

NAME:

TITLE:

ADDRESS:

TO
David Pedro A. Verstadt
Superintendent

(Fold Here)

DECLARATION
(ORCP Rule 1E)

JAMA V. KENNETH BALL, 3:23-cv-01699-MC

I, Mark E. Brown, do declare that:

Where we are made to pray during Jumah on Fridays
is in the chapel with Animals painted on the walls in the
direction we pray. Instead of our prayers being directed to
Allah as is proper, they are instead given the appearance
of being directed to those animals painted on the walls as
if they are gods or Idols. There are no graven images,
Idols or artifacts that a Muslim prays to. Nor do we want
the appearance of seeming to pray to those items.

"I HEREBY DECLARE THAT THE ABOVE STATEMENT IS TRUE TO THE BEST OF MY
KNOWLEDGE AND BELIEF, AND THAT I UNDERSTAND IT IS MADE FOR USE AS
EVIDENCE IN COURT AND IS SUBJECT TO PENALTY FOR PERJURY."

Dated this 16th day of March, 20 24.

Mark E. Brown
(Signature)

Print Name: Mark Brown
S.I.D. No. 7671164

DECLARATION

(ORCP Rule 1E) (28 U.S.C. 1746)

JAMA V. KENNETH BALL, 3:23-CV-01699-MC

I, Mohamed Tuffa, do declare that:

After we were provided what we asked for, from the chaplain to move us away from the chapel that had paintings of animals and dogs, we were moved to D2 to conduct our Friday prayer, when we arrived we noticed that our prayer rugs were not provided to use, but instead there were sanitized yoga mats. Even tho they said it was sanitized we cannot pray on such mats because they are not clean enough for our prayer with God, we have prayer rugs that are provided by the chapel but they chose not to provide it to us, so I prayed on my sweater.

"I HEREBY DECLARE THAT THE ABOVE STATEMENT IS TRUE TO THE BEST OF MY KNOWLEDGE AND BELIEF, AND THAT I UNDERSTAND IT IS MADE FOR USE AS EVIDENCE IN COURT AND IS SUBJECT TO PENALTY FOR PERJURY."

Dated this 22 day of March, 20 24.


(Signature)

Print Name: Mohamed Tuffa
S.I.D. No. 21502120

DECLARATION

(ORCP Rule 1E)

JAMA V. KENNETH BALL, 3:23-cv-01699-MC (28 U.S.C. 1746)

I, Akeru Okulu, do declare that:

I been going to Jumah every frida f but I recent
stopped because mt prater are not been excepted
because where we Pray have pictures of painting of
animals that are consider has idols. Has a muslim
we do not want the appearance of seeming to pray to
these items

"I HEREBY DECLARE THAT THE ABOVE STATEMENT IS TRUE TO THE BEST OF MY
KNOWLEDGE AND BELIEF, AND THAT I UNDERSTAND IT IS MADE FOR USE AS
EVIDENCE IN COURT AND IS SUBJECT TO PENALTY FOR PERJURY."

Dated this 3 day of 15, 20 23.

Akeru Okulu

(Signature)

Print Name:

S.I.D. No.

Akeru Okulu
26124510